



U.S. DEPARTMENT OF STATE
U.S. CONSULATE GENERAL, TORONTO

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IIV/E-28 (TI)
Last Updated: 21 April 2006

Mandatory Formatting Instructions for **Treaty Investor (E-2)** Visa Submissions

Effective Date: 14 May 2006

Non-compliant submissions will be rejected as of: 15 June 2006

Effective immediately, the Consulate in Toronto now requires all cases to be submitted in the following format. The IIV Unit will not accept noncompliant cases for processing as of 15 June 2006.

All submissions must be organized into the sections below. Submissions must be bound and the sections must be delineated by clear dividers with tabs that stick out from the edges of the page. Divider pages without tabs are not acceptable. If there are more than two documents under one of the numbered tabs, you must subdivide the numbered sections into lettered subsections with tabs.

Your submissions must be organized in such a way that the reviewer can locate all of the relevant facts to make an adjudication within 5-10 minutes.

Once your submission is prepared as indicated below, submit it to our office by mail or courier. Our addresses for various types of shipments may be found at:

http://www.usconsulatetoronto.ca/content/visas/Mailing_Address_Notice.pdf

Required format and contents:

The cover page and application forms must be loose (unbound to the rest of the package) and placed on top of the submission package.

Cover: Expeditious Handling Request—omit if not required (see instructions at: http://www.usconsulatetoronto.ca/content/visas/EXPEDITIOUS_ADJUDICATION.pdf)

Application Requirements (unbound underneath cover page and on top of the documents brief in the following order):

1. All DS-156, 156E, and 157 forms, filled out using the electronic visa application forms—link available on our website (Please note: we require DS-157 forms for all applicants over the age of 16, without regard to age or gender); primary contact email address must be placed in block 23 of the DS-156; be sure to complete EVERY block on the form, sign and date each form and submit only originals

2. 2X2 passport-style photograph on plain white background taken within the last six months. One for each applicant. See photograph requirements on our website for further details.
3. Certified check or international money order payable to the U.S. Consulate General Toronto in the amount of \$100 per applicant. This fee may also be paid in advance at any Scotia Bank in Ontario. We require copies 2, 3 and 4 of each \$100 payment slip. See further instructions on our website.
4. Dependents- provide copy of marriage certificate for spouse and copies of birth certificates for all children under the age of 21. Staple these to the DS-156 applications of the dependent applicants.
5. Attached to DS-156 for each applicant, include a signed statement of the applicant's intentions regarding the temporary or permanent nature of their stay in the United States.

E-2 Requirements:

You must organize the tabbed exhibits following the number/letter outline below. You must submit all of the documents noted here, unless otherwise indicated.

1. Summary

- a. Concise comprehensive brief of relevant facts
 - Be brief, state exactly and precisely how the enterprise qualifies
 - Do not waste space with lengthy citation of CFR or FAM texts
 - Make specific reference to supporting documentation, for example: "The Canadian parent company is owned 100% by the applicant. See organizational documents showing the corporation is authorized to issue 250 shares (tab 3C(i), relevant portion highlighted), and the applicant's stock subscription agreement and share certificate for 250 shares (tab 3C(ii))."
- b. Comprehensive Index/Table of Contents

2. Nationality of the Individual Beneficiary

- a. Photocopy of the passport biographic page for investor(s)/employee(s) followed by copy for each dependent family member
- b. Photocopy of landed immigrant card or Canadian work/study permit for investor/employee, if not a Canadian Citizen

3. Nationality of the Company/Evidence of Controlling Interest

If your company is an incorporated entity:

- a. Chart of ownership of the enterprise

- b. Articles of Incorporation and certificate of existence/registration from the state/province in which the company is incorporated.
- c. Ownership:
 - If privately held by a small group of shareholders, submit i) evidence of the total number of shares outstanding, and who holds each, and ii) evidence of the treaty country nationality of the owners of at least 50% of the outstanding stock –OR–
 - If publicly traded, submit i) notarized statement from a duly authorized corporate officer stating all of the stock exchanges on which the company is traded, ii) the volume of stock traded on each exchange (see 9 FAM 41.51 N3.2), and iii) recently published stock quotations
 - Please note, for either of the above, if the ownership is traced to another corporate entity (such as a holding or parent company rather than an individual), you must also trace the ownership of the holding company(ies) all the way back to the beneficial individual owners

-OR- if your company is a partnership, Joint Venture, LLC, or similar:

- a. Partnership or Joint Venture Agreement
- b. Shares/stock certificates indicating total partnership units issued and outstanding, and to whom they are issued
- c. Please note, for either of the above, if the ownership is traced to another corporate entity (such as a holding or parent company rather than an individual), you must also trace the ownership of the holding company(ies) all the way back to the beneficial individual owners

-OR- if your company is a sole proprietorship:

- a. Business Registration
- b. Proof of ownership of business assets (real property, etc.)

4. Source of Investment

- a. Detailed statement by applicant explaining how funds used in the investment were acquired or accumulated
- b. Debit and credit advices for personal and/or business account withdrawals
- c. Documentation demonstrating how funds were acquired or accumulated:
 - Transactions showing payment of sold property or business (proof of property ownership and promissory notes) and rental income (lease agreements); -AND/OR-
 - Last three years of personal tax returns; -AND/OR-
 - Statement from individual providing money to investor as a gift

5. Evidence of Investment

For an existing enterprise:

- a. Purchase agreement
- b. Proof of financing and funds transfer:
 - i. Copies of canceled checks or wire transfers from investor for all deposits, partial-payments or transactions paid in full
 - ii. All loan, promissory or mortgage documents AND security agreement; AND, copies of canceled checks or wire transfer receipts from investor demonstrating consistent payment of financial obligations. A letter from the financier stating all payments are current may also be accepted
 - iii. Escrow agreement, escrow account statement in the U.S., escrow receipt, if applicable

-OR- For a new enterprise:

- a. Inventory listing; shipment invoices of inventory, equipment or business related property
- b. Receipts for inventory purchases
- c. Canceled checks or official payment receipts for expenditures
- d. Canceled check for first month's rent or full annual advance rent payment
- e. Lease agreement
- f. Purchase orders
- g. Improvement expenses
- h. Initial business account statements

6. Marginality

- a. U.S. corporate tax returns
- b. Latest audited financial statement or non-review statement
- c. Payroll register
- d. W2 and W4 tax forms
- e. Business plan (including pro forma financials for the first five years of operations)

7. Real and Operating Commercial Enterprise

- a. Occupational license, business license or business permits
- b. Business transaction records, current/commercial account statements or invoices from suppliers
- c. Advertising leaflets, business brochures or promotional literature

8. If the applicant is an employee of the U.S. enterprise (executive/managerial; and supervisory/essential skills):

- a. Letter from Canadian company providing specific information on the applicant and the reasons for his/her assignment to the U.S. The letter must explain the employee's role in the U.S. company (job title and duties), the applicant's executive or supervisory responsibilities or, if not a supervisor, his/her specialist role, the level of education and knowledge required by the employee's position, his/her employment experience, progression of promotion or high level training or special qualifications and the reasons why a U.S. citizen or legal permanent resident cannot fill the position (if the position is not managerial or supervisory)
- b. Evidence of E2 company owner's nationality and immigration status in the U.S.
- c. Organizational chart showing current staffing pattern at U.S. company
- d. Applicant's complete resume

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